

## LEAD/ARSENIC PESTICIDE ADDENDUM

1 For Use Prior To Sale Or Lease Of Properties Potentially Affected by Lead or Arsenic Pesticides (e.g. pre-1960 Orchards)  
2 This Addendum is attached to and made part of the Offer to Purchase/Lease dated \_\_\_\_\_ made  
3 by the Buyer, \_\_\_\_\_ with respect to the Property at  
4 \_\_\_\_\_, Wisconsin (Property).

5 **PROPERTIES POTENTIALLY AFFECTED BY LEAD OR ARSENIC PESTICIDES:** Prior to 1960 this property may have  
6 been part of a fruit orchard and treated with pesticides containing lead and arsenic. Lead and arsenic based pesticides  
7 were used extensively to control agricultural pests in fruit from approximately 1900 until the 1960's. These compounds  
8 tend to bind tightly to the soil in the surface layer and do not breakdown. The lead and arsenic may still be present in the  
9 soil long after these compounds were applied. Residues of these pesticides found in soils may be at levels that pose a  
10 human health risk.

11 The primary concern is with human health impacts resulting from long-term ingestion of contaminated soil, particularly  
12 by children. These risks can be minimized by the following control measures.

- 13 ● Keep good grass coverage; this acts as a barrier to human contact with the soil below.
- 14 ● Cover any disturbed or excavated soil.
- 15 ● Wash fruits and vegetables from your garden before eating. Uptake of these contaminants into the food  
16 is not as much of a concern as ingestion of the soil itself.
- 17 ● Wash hands and face after contact with soil and before meals and snacks.
- 18 ● Minimize children's exposure to contaminated dust by mopping floors and washing toys and pacifiers  
19 frequently.

20 **SELLER DISCLOSURES:** Seller discloses the following information: [Check as applicable]

YES NO

21 Seller has knowledge that the Property was used as an orchard prior to 1960. ☐ ☐

22 Seller has knowledge that lead or arsenic-based pesticides were used on the Property. ☐ ☐

23 Seller has knowledge of unsafe levels of lead or arsenic-based pesticide residues currently on the Property. ☐ ☐

24 **THE SOIL EVALUATION CONTINGENCY IS A PART OF THIS ADDENDUM IF THE BOX PRECEDING THE CONTINGENCY IS  
25 MARKED, SUCH AS WITH AN "X". IT IS NOT PART OF THIS ADDENDUM IF THE BOX IS MARKED N/A OR LEFT BLANK.**

26 ☐ **SOIL EVALUATION CONTINGENCY:** This Offer is contingent upon Buyer obtaining a written report which identifies  
27 the lead and arsenic levels in the Property's soils within \_\_\_\_\_ days of acceptance of the offer. The report sampling and  
28 testing shall be done by a qualified independent expert. Buyer shall order the sampling, testing and report and be  
29 responsible for all costs.

30 This contingency shall be deemed satisfied unless Buyer delivers a report to the Seller and the listing broker (if  
31 Property is listed), showing concentrations of lead in the soil above 50 mg/kg or arsenic above 5 mg/kg, within five days  
32 of the earlier of: 1) Buyer's receipt of the reports or 2) the deadline for Buyer obtaining said report.

33 If the report shows the lead levels are between 50 and 400 mg/kg or the arsenic levels are between 5 and 100  
34 mg/kg, Seller shall (provide Buyer with a credit of \$ \_\_\_\_\_ at closing)(\_\_\_\_\_

35 \_\_\_\_\_)  
36 \_\_\_\_\_) **[STRIKE AND COMPLETE AS APPLICABLE]** and this contingency shall  
37 be satisfied. Upon receipt of the credit at closing Buyer shall be solely responsible for installing a barrier over bare soils  
38 on the property and performing other necessary hazard reduction activities.

39 If the report shows the lead levels are at or above 400 mg/kg or the arsenic levels are at or above 100 mg/kg,  
40 (the Offer shall be null and void)(\_\_\_\_\_

41 \_\_\_\_\_). **[STRIKE AND COMPLETE AS APPLICABLE]**

42 **Note: Landowners with soil contamination greater than 100 mg/kg arsenic or 400 mg/kg lead should contact the  
43 Department of Natural Resources (1-800-943-0003) regarding their reporting duties under Wis. Stats. section  
44 292.11. For further information regarding reporting duties: <http://www.dnr.state.wi.us/org/aw/rr/spills/index.htm>**

45 **ADDITIONAL INFORMATION:** The costs of remediating a site will vary depending on the level and distribution of the  
46 contamination, the size and layout of the site and the remedy chosen. Additional information may be obtained by  
47 contacting Department of Agriculture, Trade and Consumer Protection at 608/224-4500.

48 By initialing and dating below, each Party acknowledges that they have read and understood and acknowledge receipt  
49 of a copy of this Addendum. Seller's initials below shall not constitute the acceptance or other disposition of the Offer.

50 \_\_\_\_\_  
51 (Buyer(s) Initials) (Date) (Seller(s) Initials) (Date)

52 Drafted by: Attorney Richard J. Staff, General Counsel, Wisconsin REALTORS® Association Copyright© 2002 Wisconsin REALTORS® Association  
53 No representation is made as to the legal validity of any provision or the adequacy of any provision in any specific transaction.  
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